



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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07/458,168 12/26/89 SAVOY

EXAMINER

15N1  
WIRKEN & KING  
4740 GRAND AVENUE, THIRD FLOOR  
KANSAS CITY, K MI 64112

COPENHEAVER, B

ART UNIT PAPER NUMBER

10/B

DATE MAILED:

06/02/93

### NOTICE OF ALLOWABILITY

#### PART I.

- This communication is responsive to Petition Granted 4/13/93
- All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- The allowed claims are 32-34 & 36-41 (now claims 1-9)
- The drawings filed on 12/28/89 are informal.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [...] been received. [...] not been received. [...] been filed in parent application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTOL-413.
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

#### PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. \_\_\_\_\_, CORRECTION IS REQUIRED.
  - The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
- Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

#### Attachments:

Examiner's Amendment  
 Examiner Interview Summary Record, PTOL- 413  
 Reasons for Allowance  
 Notice of References Cited, PTO-892  
 Information Disclosure Citation, PTO-1449

Notice of Informal Application, PTO-152  
 Notice re Patent Drawings, PTO-948  
 Listing of Bonded Draftsmen  
 Other

Art Unit 1504

Examiner's Amendment

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Bruce Day on May 24, 1993.

In the claims:

Rewrite claim 32 as follows:

CM 132. A building material comprising:

P (a) expanded polystyrene; and

L (b) a treatment chemical comprised of a borate having insecticidal and fungicidal properties mixed throughout at least a portion of said expanded polystyrene.

In claim 36, line 1, change "35" to --32--.

Cancel claim 35.

The following is an Examiner's Statement of Reasons for Allowance: While the prior art had known of building materials comprised of expanded polystyrene having a treatment chemical mixed throughout, the prior art does not show an expanded polystyrene

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15N1

WIRKEN & KING  
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KANSAS CITY, K MI 64112

NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE

Note attached communication from the Examiner  
 This notice is issued in view of applicant's communication filed \_\_\_\_\_

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/458,168	12/28/89	009	COPENHEAVER, B	1504 06/02/93
First Named Applicant	SAVOY, THOMAS L.			

TITLE OF  
INVENTION: BUILDING MATERIAL WITH PROTECTION FROM INSECTS, MOLDS, AND FUNGI

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1		428-305.500	N62	UTILITY	NO	\$1170.00	09/02/93

**THE FEE DUE IS THE AMOUNT IN EFFECT AT THIS TIME. IF THE AMOUNT OF THE ISSUE FEE INCREASES PRIOR TO PAYMENT, APPLICANT WILL BE NOTIFIED OF THE BALANCE OF ISSUE FEE DUE.**

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.**

**PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY Status shown above.  
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the patent and Trademark Office of the change in status, or
- B. If the Status is the same, pay the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

III. All communications regarding this application must give series code (or filing date) and serial number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to contrary.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, pay of 1/2 the FEE DUE shown above.

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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having as the treatment chemical a borate having insecticidal and fungicidal properties mixed throughout.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Blaine Copenheaver at telephone number (703) 308-2351.

B. Copenheaver:pdw  
May 26, 1993  
703-308-2351

BC  
5/26/93

  
GEORGE F. LESMES  
SUPERVISORY PATENT EXAMINER  
GROUP 150